

PSJ10 Exh 31b

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF OHIO  
3 EASTERN DIVISION  
4

5 -----) MDL No. 2804  
6 IN RE NATIONAL PRESCRIPTION )  
7 OPIATE LITIGATION )  
8 ) Case No. 17-md-2804  
9 This document relates to: )  
10 All Cases )  
11 -----) Hon. Dan A. Polster  
12

13 HIGHLY CONFIDENTIAL  
14 SUBJECT TO FURTHER CONFIDENTIALITY REVIEW  
15

16 The videotaped deposition of MARY WOODS,  
17 called for examination, taken pursuant to the Federal  
18 Rules of Civil Procedure of the United States District  
19 Courts pertaining to the taking of depositions, taken  
20 before JULIANA F. ZAJICEK, a Registered Professional  
21 Reporter and a Certified Shorthand Reporter, at Lief  
22 Cabraser Heimann & Bernstein, 8th Floor, 250 Hudson  
23 Street, New York, New York, on January 10, 2019, at  
24 9:10 a.m.

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Golkow Litigation Services.

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24

1 Q. Do you remember the first time the --  
2 okay.

3 Do you remember the first time the level  
4 at which an order pended on the suspicious order  
5 monitoring system was modified based on the drug's  
6 placement on a -- a Controlled Substance Act schedule?

7 A. I -- I really couldn't remember the first  
8 time.

9 Q. All right.

10 All right. So we are going to go through  
11 some documents, as we did yesterday.

12 A. Okay.

13 Q. Oh, so, all right. You had mentioned  
14 earlier that there is a -- this order management  
15 group --

16 A. Uh-huh.

17 Q. -- as well, right?

18 A. Correct.

19 Q. And you had mentioned that -- the term  
20 "VMI"?

21 A. Vendor managed inventory.

22 Q. Yeah.

23 What does vendor managed inventory mean to  
24 you?

1           A.       So, vendor managed inventory is a process  
2     in which you have the ability to work with a vendor to  
3     help them manage their inventory. Most of the time  
4     you are using their systems. In the case of Walmart,  
5     we used their systems and we helped to review their  
6     inventory with them and they would make us go into  
7     Retail Link and review their systems, make sure they  
8     didn't have outs and things like that.

9           Q.       With regard to any -- any shipments or  
10    orders that were made through any VMI system at  
11    Actavis or Watson, do you know whether those orders  
12    would have been monitored by the suspicious order  
13    monitoring program at Actavis or Watson?

14          A.       Every single order would have gone  
15    through --

16          Q.       All right.

17          A.       -- our system.

18          Q.       All right. I'm going to hand you what  
19    we'll mark as Exhibit 30 for this deposition.

20                   (WHEREUPON, a certain document was  
21                   marked Allergan - Woods Deposition  
22                   Exhibit No. 30, for identification,  
23                   as of 01/10/2019.)

24    BY MR. EGLER:

1 Q. Because of the physical setup, I'm going  
2 to hand you two copies, one for your counsel.

3 A. Okay. Sure.

4 Q. And, Ms. Woods, could you look at what  
5 I've marked as Exhibit 30, and as you are looking at  
6 it, I'll read into the record its Bates stamps are  
7 Allergan\_MDL\_02166476 and 477.

8 And when you are ready, can you tell me  
9 what this appears to you to be?

10 A. Sure. Let me just read this.

11 Q. Yeah.

12 A. Okay. I've read it.

13 Q. All right. What does this appear to you  
14 to be?

15 A. So Tracey Hernandez headed up the DEA  
16 compliance team. This appears to me that she is  
17 stating filings for the DEA suspicious orders should  
18 go through her team.

19 Q. Does this seem to be a -- an e-mail chain  
20 among you and other people at Watson Pharma, Inc.?

21 A. Correct.

22 Q. And the date on the e-mails is January and  
23 February of 2004, is that right?

24 A. Yes, that is correct.



1           Q.     So about 15 years ago at this point, is  
2     that right?

3           A.     Yes, correct.

4           Q.     So for the e-mails that appear on here,  
5     there is a name Tracey Hernandez who we have discussed  
6     a little bit earlier and a woman named Christine  
7     Marino.

8                     Do you see her name right there?

9           A.     Yes, I do.

10          Q.     Who is Christine Marino?

11          A.     Christine Marino was a supervisor of  
12     customer service and she was also a representative. I  
13     don't know which position at this time.

14          Q.     When you say "representative," what does  
15     that mean?

16          A.     A customer service representative.

17          Q.     All right. And then there is another name  
18     there, Eileen Mesis, M-e-s-i-s?

19          A.     Correct. She was a manager of customer  
20     service.

21          Q.     All right. And then Judy Callahan. Who  
22     is Judy Callahan?

23          A.     Judy Callahan was a -- a manager of  
24     customer service at this time.

1           Q.     And in the first e-mail in time on this  
2     exhibit, which is at the bottom of the second page,  
3     it's a Ms. Marino -- or Ms. Hernandez writing to  
4     Ms. Marino and Ms. Callahan:

5                     "Chris/Judy, Can you please tell me who at  
6     DEA you have on record to send these reports to if you  
7     ever need to?"

8                     And Ms. Hernandez replies: "I have not  
9     had to forward suspicious reports. You may want to  
10    cover this with Mary Woods."

11                    And then you respond on the first page --

12           A.     Uh-huh.

13           Q.     "We have never needed to file a report.  
14    Any time there was a question during the order process  
15    of a suspicious order quantity, we went," and then in  
16    parentheses, "(and still follow the same  
17    procedure)," and then close parentheses, "back to a  
18    customer to let them know we would need to notify the  
19    DEA due to the quantity they wanted to order. In  
20    response, they either reduced the quantity or  
21    cancelled the order."

22                    Do you see that there?

23           A.     Yes, I do.

24           Q.     And then you -- you go on:

1                   "Most all customers understand the issues  
2   and do not want to bring attention to these large  
3   purchases."

4                   So at this time in January of 2004, do you  
5   remember whether it was an official policy of Watson  
6   Pharma to allow customers to reduce quantities in  
7   order to avoid having to file a -- a DEA suspicious  
8   order report?

9           A.     I absolutely do not remember from 2004.

10          Q.     All right. So with regard to this  
11   response that you give on this e-mail, do you  
12   remember -- as you sit here today, do you remember  
13   writing this e-mail?

14          A.     Not from 2004.

15          Q.     Right. With that understanding, it's  
16   15 years ago.

17                  Do you have an understanding about whether  
18   it was the case that you and people you worked with  
19   would allow customers to reduce the quantity of orders  
20   that had pended in a system in order to avoid filing a  
21   suspicious order report with the DEA?

22          A.     Nobody would have ever done it with any  
23   intention to avoid filing a report with the DEA. If  
24   the customer would have come to us and said, you know,

1     reduce the quantity, I don't -- I can't recollect  
2     from, you know, 15 years ago --

3             Q.     Right.

4             A.     -- what the policy would have been or the  
5     justification from 15 years ago.

6             Q.     But in the e-mail you wrote, they either  
7     cancelled the order or reduced the amount --

8             A.     Yes, I did.

9             Q.     -- is that right?

10            So do you have any reason to believe it  
11     wasn't a regular process to allow customers to reduce  
12     their orders at that time?

13            A.     I -- I can't respond to what happened  
14     15 years ago. I'd have to have more information.

15            Q.     As you sit here today, you don't have any  
16     reason to believe that that wasn't the case, right?

17            A.     I don't have any be -- reason to believe  
18     it was or wasn't. I don't know.

19            Q.     Well, you -- you wrote it at the time,  
20     right, in 2004?

21            A.     I probably wrote a lot of things at the  
22     time that I probably can't recollect.

23            Q.     Would you have written something that you  
24     didn't believe was true at the time in 2004?

1           A.       I wouldn't write something I didn't  
2 believe was true at that point in time for that  
3 e-mail.

4           Q.       So you must have believed that that was  
5 actually the case, that customers would have  
6 reduced --

7           A.       For this incident.

8           MS. LEVY: Hang on a second. Let him finish his  
9 question.

10 BY MR. EGLER:

11           Q.       Customers would have been able to reduce  
12 their order in order to avoid a DEA report being  
13 filed, is that right?

14           A.       I'm reading what's in the e-mail. That's  
15 the best I can respond to it.

16           Q.       All right.

17                   All right. You can set this document  
18 aside.

19                               (WHEREUPON, a certain document was  
20                               marked Allergan - Woods Deposition  
21                               Exhibit No. 31, for identification,  
22                               as of 01/10/2019.)

23 BY MR. EGLER:

24           Q.       So I'll hand you what we'll mark as

1 Exhibit 31.

2 Again, there is two -- two copies there.

3 A. Sure.

4 Q. And can you look through what I've marked  
5 as Exhibit 31? And as you are looking through it,  
6 I'll read on the record, it's Bates numbered  
7 Allergan\_MDL\_02187196 through 87199.

8 And when you are ready, can you tell me  
9 what this appears to you to be?

10 A. Okay.

11 Q. All right. Ms. Woods, what does this  
12 appear to you to be?

13 A. This was an e-mail that we were -- that I  
14 sent to Andy Boyer, who is the VP of our sales and  
15 marketing team.

16 Q. The e-mail is dated October 4th, 2011, is  
17 this right?

18 A. That is correct.

19 Q. And at this point you were still working  
20 in Corona, California, is that right?

21 A. That is correct.

22 Q. And still working for Watson still?

23 A. Correct.

24 Q. I don't know if we've raised his name